IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11541 of 2004

Between:

M/s. Omnitrode Aditya Electrodes (P) Ltd., IDA, Bolaram, Medak District, rep. by Managing Director P. Vasubabu.

..... PETITIONER

AND

1 The Addl. Commissioner (CT)(Legal), Office of the

Commissioner of Commercial Taxes, A.P.,Hyderabad.
2 The Deputy Commissioner (CT)(Legal), Nizamabad Division.
3 The Commercial Tax Officer, Medak Circle, Medak.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more in the nature of Writ of Mandamus declaring the action of the first respondent in dismissing the stay petition vide CCT's Ref. L-III(1) /1356/2004, Dt. 29.6.2004 without considering the written arguments and other material as illegal, arbitrary and opposed to Art. 14 of the Constitution of India.

Counsel for the Petitioner:MR.V.RAJAGOPAL REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR COMMERCIAL TAXEX

The Court made the following O R D E R:

(Per the Hon'ble Sri Justice Bilal Nazki).

After hearing the parties, we deem it appropriate to allow the petitioner to pay 50 per cent of the disputed liability and on such payment, we stay the recovery proceedings till the disposal of the appeal. 50 per cent as ordered shall be paid within six weeks.

The writ petition is accordingly disposed of. No order as to costs.

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(BILAL NAZKI, J)

18th August, 2004.

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(S.ANANDA REDDY, J)

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To

1 The Addl. Commissioner (CT)(Legal), Office of the

Commissioner of Commercial Taxes, A.P.,Hyderabad.
2 The Deputy Commissioner (CT)(Legal), Nizamabad Division.
3 The Commercial Tax Officer, Medak Circle, Medak.

4 Two C.Cs to the Government Pleader for Commercial Tax,

High Court Buildings, A.P., Hyderabad (OUT)

5 Two C.D copies